

Art Unit: 3744

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,598,751 to Berkowitz et al. Berkowitz et al discloses the claimed invention of a heat transfer unit 44 located distally from the cooler 24, 60 and connected to the trunk line 14, 38 and defining a volume which is filled by refrigerant coming in from the line 62 for immersing the coils 46-50 in a bath of refrigerant. The heat transfer unit 44 is considered to be located in a position between the cooler 60 and the dispensing units 54-58, as is clearly seen especially in Fig. 2.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berkowitz et al. Berkowitz et al discloses the claimed invention except for the dimensions of the cooler. The recited dimensions of the cooler are considered to be matters of obvious design choice to one of ordinary skill in the art. No criticality or unexpected results are seen or have been disclosed for the recited length of the coil being from 20 to 50 feet or the flow rate of the refrigerant being from 25 to 125 gallons per hour. Furthermore, one

of ordinary skill in the art would expect the invention disclosed in Berkowitz et al to work equally as well as Applicant's claimed invention.

5. Claim 3 recites the limitation "the distribution lines" in line 1. There is insufficient antecedent basis for this limitation in the claim. Only one line is recited in claim 1.

6. Claim 19 recites the limitation "the distribution lines" in line 1. There is insufficient antecedent basis for this limitation in the claim. Only one line is recited in claim 17.

7. Applicant's arguments filed May 26, 2008 have been fully considered but they are not persuasive. Berkowitz et al is considered to clearly disclose the newly added limitation of the heat transfer unit being at a position between the cooler and the dispensing unit. The dispensers are clearly shown in Fig. 2 at 54, 56, and 58. The heat transfer unit 44 is shown as being positioned between the dispensers and the cooling unit 60.

8. The benefits of the dimensions of claim 9 are what one of ordinary skill in the heat exchange art would expect to achieve. Rather than producing unexpected results, the claimed dimensions are considered to be ordinary results of heat exchange.

9. Applicant did not correct the minor antecedent basis problems of claims 3 and 19, as alleged in his remarks.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Tapolcai whose telephone number is (571) 272-4814. The examiner can normally be reached on Mon. - Thurs., 6:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William E. Tapolcai/

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